



U.S. Department of Justice

Federal Bureau of Prisons

Federal Correctional Institution Otisville

VIA FAX

P.O. Box 600  
Two Mile Drive  
Otisville, NY 11963

**FILED**  
IN CLERKS OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

January 28, 2008

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Via facsimile to 718-613-2456  
The Honorable John Gleeson  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
New York, NY 11201

Re: United States vs David Heyman  
07-CR-69 (JG)  
David Heyman, 74849-053

Dear Judge Gleeson:

This letter is to update the Court of events since the December 19, 2007 conference regarding the above referenced inmate, wherein the Court ordered the Bureau Of Prisons (BOP) to facilitate communication between Dr. Heyman and the orthopedic surgeon, Dr. Appel. Dr. Heyman and Dr. Appel spoke before and after David Heyman's December 20, 2007 surgery.

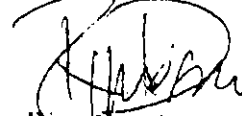
Dr. Appel emailed Dr. Sommer, Clinical Director at FCI Otisville, today stating that Dr. Heyman has called Dr. Appel, concerned that his son has not been seen, etc. Additionally, Dr. Appel stated, "If possible, please put this to rest. [Dr. Heyman] advised he will have to take legal action." Dr. Heyman called me today as well to speak about the matter. While I acknowledged his concerns, I explained that I will not intervene in matters best left to the treating physicians and to do so would be time consuming.

David Heyman is healing "beautifully", per Dr. Sommer and he will be evaluated as necessary. Dr. Heyman is extending the judge's one time December 19, 2007 order indefinitely by continuing to call BOP and Dr. Appel. As stated in my December 18, 2007 letter, the BOP has lost services of local consultants in the past due to harassment by inmate's outside contacts. As a routine matter, I would advise BOP Staff and Dr. Appel that they have no obligation to speak to Dr. Heyman but because this stems from the December 19, 2007 conference, I am informing the Court that I am giving this advice and to the extent the Court is willing, I request an order directing Dr. Heyman to cease calling FCI Otisville and Dr. Appel about his son's

medical situation. BOP Staff and outside consultants have no obligation to speak to inmate's families. The BOP has internal procedures for filing grievances regarding any aspect of their confinement, including medical care. Mr. Heyman can speak to his father from the phones on the housing units and he can commence the internal institutional procedures if he chooses. Additionally, with the new threat of litigation, BOP staff, including myself, are unwilling to speak to Dr. Heyman.

Thank you for your time and consideration of this matter. Please feel free to contact me at 646-836-6455 if you have any further questions.

Sincerely,



Rima Desai

Supervisory Staff Attorney

cc: AUSA Sean Casey (via email)

Renato C. Stabile, Esq. (via fax 212-988-6192)